

July 13, 2026

Via E-mail

Brazos Valley Groundwater Conservation District
Board of Directors
c/o Alan M. Day, General Manager
P.O. Box 528
Hearne, Texas 77859
aday@brazosvalleygcd.org

Re: Wayne-Sanderson Farms LLC's Comments on Draft Rules

Dear Board of Directors,

I submit this letter on behalf of my client, Wayne-Sanderson Farms LLC ("Wayne-Sanderson" or the "Company"), as part of the public comments for the July 15, 2026 hearing on draft rules. Please make this letter part of the official record of the rulemaking process pursuant to Texas Water Code, Section 36.101. I have included as enclosures a red-line version with suggested changes highlighted in yellow as well as the relevant sections of Chapter 36 of the Texas Water Code ("Chapter 36") referenced herein.

Wayne-Sanderson only has comments related to the proposed use of decadal interim values as 10-year DFCs that trigger curtailment for all new use production permits issued after June 1, 2026. *See* draft rule 7.2(d)(1)(H).

First, proposed new section 7.2(d)(1)(H) appears to be in the wrong section of Rule 7.2. It currently is inserted as subsection (d)(1)(H), which relates to DFC Curtailment Category 1. Subsection 7.2(d)(1)(H) relates to DFC Curtailment Category 3 and appears to have been intended to be inserted as subsection 7.2(d)(3)(H).

Regardless, subsection 7.2(d)(1)(H) should not be included in any portion of Rule 7.2 (or in any rule) because it purports to treat decadal interim values as 10-year DFCs that trigger curtailment when the statute makes clear that these 10-year decadal values are not 10-year DFCs and are to be used "solely to assist the districts in monitoring interim progress in achieving the desired future conditions adopted for the approximately 50-year planning period." Tex. Water Code § 36.108(d-1a)(2). In other words, the decadal interim values are not 10-year DFCs and cannot be used to trigger curtailment as proposed under the draft rules.

Section 36.113(e) of Chapter 36 authorizes a GCD to put greater restrictions on new use than existing or historic use such that triggering curtailment of new use first (and/or to a greater degree) is not the issue with proposed section 7.2(d)(1)(H). Curtailing new use first (and/or to a greater degree) can be accomplished in other ways under the current framework of the rules

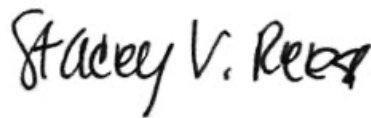
without treating interim values as 10-year DFCs that must be achieved and therefore, trigger curtailment.

There are other ways to accomplish the perceived goals while still complying with the new statute and current law. First, consider listing a review of the 10-year interim values as part of all three DFC threshold levels. Second, if the goal is to curtail new use first, then consider curtailing new use under DFC Threshold Level 2. If curtailing only new use under Threshold Level 2 is not successful and DFC Threshold Level 3 is reached, then consider curtailing new use to a greater degree along with potential curtailments of existing and historic use in DFC Threshold Level 3. *See enclosed suggested edits.*

If BVGCD needs to take action on certain proposed rule changes at the July 15, 2026 hearing, Wayne-Sanderson respectfully requests that it table any action on the treatment of interim values to allow for further discussion with stakeholders. Unfortunately, due to scheduling conflicts, neither myself nor my client will be able to attend the hearing in person. We welcome further discussion on the treatment of interim values.

Thank you in advance for your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Stacey V. Reese". The signature is written in a cursive, slightly slanted style.

Stacey V. Reese

Enclosures

cc: Monique Norman (via e-mail)

Proposed BVGCD Rule Changes 6-17-2026

RULE 1.1. DEFINITIONS OF TERMS

- (28) “Monitoring Well” means a well utilized to measure properties of the groundwater or aquifer it penetrates. A monitor well can be used to measure water levels and/or groundwater quality. The District may adopt a guidance document(s) for required monitoring well drilling, equipping, operating, and reporting standards.
- (43) “Transport” means transferring, exporting, or moving groundwater outside the District’s boundaries.

RULE 6.1. REQUIRED SPACING

- (a) To minimize as far as practicable the drawdown of the water table and the reduction of artesian pressure, to control subsidence, to prevent interference between wells, to prevent degradation of water quality, and to prevent waste, the District will enforce spacing requirements on all new wells in the District for which the registration or permit was approved by the District after September 14, 2023. Wells permitted or registered on or before September 14, 2023, are regulated by the spacing requirements of the District Rules that were in effect prior to September 14, 2023.

The TDLR well-spacing regulations required by 16 Texas Administrative Code Section 76.100, as amended, apply to all exempt and non-exempt wells in the District, unless a more stringent rule is adopted by the Board herein

- (b) Spacing in Wells, Except in the Brazos River Alluvium

As stated below, there are two types of spacing requirements, both of which apply to all new non-exempt wells and wells registered to provide water for oil and gas drilling, completion, or production in the District, other than those in the Brazos River Alluvium Aquifer. The first spacing rule is the distance that the well site must be from the perimeter of the ~~real~~ property ~~that is~~ legally assigned to ~~that a well~~ under Rule 7 .1. The second spacing rule is the distance that the well site must be from all permitted nonexempt wells and all registered exempt wells.

- (1) Spacing of all new non-exempt wells completed in the District, other than the Brazos River Alluvium Aquifer, shall be one foot per gallon per minute (1 ft/gpm) of average annual production rate or capacity from the perimeter of the property that is legally assigned to that well under Rule 7.1.

A new well may not be drilled within a minimum of 50 feet from the perimeter of the-property that is legally assigned to that well.

- (2) Spacing of all new non-exempt wells completed in the District, other than the Brazos River Alluvium Aquifer, shall be two feet per gallon per minute (2 ft / gpm) of average annual production rate or capacity from a permitted or registered well in the same aquifer formation that is in the District or is being applied for to the District by the applicant

RULE 7.2. ACTIONS BASED ON AQUIFER RESPONSE TO PUMPING

- (d) The District shall initially adopt three threshold average aquifer drawdown levels to act as triggers to provide for increased levels of District regulatory responses based on the change in three (3) consecutive years average aquifer drawdown levels across the District for an aquifer. The District shall monitor how rapidly each threshold is achieved and amend or add new thresholds as better hydrological assessment data becomes available. The initial DFC threshold levels are: Level 1, Level 2, and Level 3. Each level will be based on an average of three (3) consecutive years immediately prior to reaching the trigger. The District-approved methodology to calculate the District-wide average aquifer drawdown and the protocol to measure static water levels shall be adopted through the District's rulemaking procedures in Section 14 of the District's Rules.
- (1) **DFC Threshold Level 1.** If Threshold Level 1 is reached, additional study and monitoring may be undertaken as appropriate at such time as the average aquifer drawdown on a District-wide basis, calculated with a District-approved methodology for an aquifer, is greater than **65 percent** of the average aquifer drawdown amounts adopted as a DFC for that aquifer in Section 5 of the Management Plan. The following District actions shall occur to enforce the Desired Future Conditions of the aquifers and to conserve and preserve groundwater availability and protect property rights of landowners and groundwater users:
- (A) Adopt a Study Area(s) for an Aquifer(s). Based on the best available science, the District may designate Study Areas for portions of an aquifer within the District that are experiencing significant drawdowns of the aquifer levels, which may be caused by concentrated groundwater pumping, and develop additional hydrological data and analysis of the causes of the drawdown and hydrological trends developing and make recommendations for appropriate action.
- (B) Monitor aquifer water levels. As of June 1, 2026, any new permit application(s) or permit amendment application(s) to increase the permitted production of an existing well that is required to submit a hydrogeologic study with its permit application, under Rule 8.4(b)(7)(B), shall install one (1) monitoring well for every 800 acre-feet/year of permitted groundwater, at permittee's expense. This monitoring well requirement applies to all operating and transport permit applications that require a hydrogeologic study. The number of monitoring wells required to be installed and operational may be adjusted by the Board, as determined to be reasonable. The monitoring well(s) shall be equipped with automated pressure transducers that utilize cellular and satellite telemetry to transmit water level measurement data directly to the District. The pressure transducer(s) shall be calibrated for accuracy at least annually, with a calibration verification submitted to the District. The monitoring well(s) may also be required for water quality testing.
- (C) Monitor groundwater production in adjoining GCDs.
- (D) Prepare an annual report on groundwater production and aquifer water-level and drawdown changes **and consider decadal interim values to assist in monitoring progress in achieving the DFCs.**
- (E) Monitor groundwater production reports, with mandatory, if judged necessary by the District, meter checks on all permitted wells in the study area(s).

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- (F) Promote and require conservation and administer conservation credit program, once developed and approved.
- (G) If DFC Threshold Level 1 is exceeded, the district may perform studies to provide additional information on the hydrogeology in the area. The results may be used to improve the Groundwater Availability Models and other methodologies used to analyze monitoring and pumping data and predict future aquifer response and groundwater availability.

- (2) **DFC Threshold Level 2.** If DFC Threshold Level 2 is reached, a District review of the Management Plan, Rules and Regulations may be initiated at such time as the

Deleted: <#>*DFC Curtailment Category 3: All new use production permits issued after June 1, 2026.* In order to preserve historic and existing use and to achieve the adopted Desired Future Conditions, as authorized and required by Chapter 36 of the Texas Water Code, *operating and transport permits subject to subsection DFC Curtailment Category 3 that are non-historic production permits first issued after June 1, 2026, shall also contain the following conditions:* If at any time the District monitoring in the applicable aquifer falls below the applicable decadal interim value for the desired future condition adopted under Section 36.108(d-1a), Texas Water Code, as identified by Groundwater Management Area 12 and adopted by the District, pumping shall be curtailed until such time the District monitoring indicates water levels back to or above the applicable decadal desired future condition. The permittee shall not be curtailed below one acre-foot/acre/year of the contiguous acreage associated with the permit(s).

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average aquifer drawdown over the district calculated with a district approved methodology for an aquifer is greater than **80 percent** of the average aquifer drawdown amounts adopted as a DFC for that aquifer in Section 5 of the Management Plan. The following District actions shall occur to enforce the Desired Future Conditions of the aquifers and to conserve and preserve groundwater availability and protect groundwater users and groundwater ownership and rights:

- (A) Consider Adoption of Depletion Management Zone(s) for the Aquifer(s). Based on the best available science, the District may designate Depletion Management Zones in areas of the District that are experiencing significant drawdowns of the aquifer levels, which may be caused by concentrated groundwater pumping. Within designated Depletion Management Zones, the District may adopt appropriate production limitations to alleviate the substantial stress on the aquifer(s). Management strategies within the designated Depletion Management Zones may include, but are not limited to, a reduction in groundwater production of existing and future permits and increased well spacing requirements. Amendments to permits due to Depletion Management Zone(s) curtailment will be subject to permit hearing procedures in Section 14 of the District's Rules.
- (B) Monitor aquifer water levels and consider decadal interim values to assist in monitoring progress in achieving the DFCs.
- (C) Promote/require conservation and administer conservation credit program, once developed and approved.
- (D) Monitor groundwater production reports, with mandatory meter checks on all permitted wells in management zone.
- (E) Monitor groundwater production in adjoining GCDs.
- (F) Prepare annual report on groundwater production and rate of aquifer water-level changes.
- (G) Evaluate need for curtailment of groundwater production as average water-level decline reaches 80 percent of DFC or is trending to exceed DFC.
- (H) If Threshold Level 2 is exceeded, the district shall reevaluate the monitoring program, pumping inventory and response of the aquifers to pumping, both inside and outside the district. Revisions to the DFCs could be considered as part of the Joint Planning Process of the Groundwater Management Area 12. The District shall conduct a public hearing to discuss the status of the aquifer or aquifers and develop a response plan focused on achieving the district's goals and objectives, including not exceeding the DFCs. The response plan should be completed within 6 months after the first public hearing and should be available to the public through the District's website. As part of the public hearing process, the District shall consider curtailing all new use production permits issued after June 1, 2026 on a pro rata basis.

- (3) **DFC Threshold Level 3.** If DFC Threshold Level 3 is reached, the Board shall consider amendments to the Management Plan, Rules and Regulations at such time as the average aquifer drawdown over the District for an aquifer, calculated with a district approved methodology, is greater than **90 percent** of the average aquifer drawdown amounts adopted as a DFC for that aquifer in Section 5 of the Management Plan. The following District actions shall occur to enforce the Desired Future Conditions of the aquifers and to conserve and preserve groundwater availability and protect groundwater users and groundwater ownership and rights:

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- (A) Consider Adoption of Depletion Management Zone(s) for the Aquifer(s). Based on the best available science, the District may designate Depletion Management Zones in areas of the District that are experiencing significant drawdowns of the aquifer levels, which may be caused by concentrated groundwater pumping. Within designated Depletion Management Zones, the District may adopt specific production limitations to alleviate the substantial stress on the aquifer(s). Management strategies within the designated Depletion Management Zones may include, but are not limited to, a reduction in groundwater production of existing and future permits and increased well spacing requirements. Amendments to permits due to Depletion Management Zone(s) curtailment will be subject to permit hearing procedures in Section 14 of the District's Rules
- (B) Monitor aquifer water levels and consider decadal interim values to assist in monitoring progress in achieving the DFCs.
- (C) Promote/require conservation and administer conservation credit program, once developed and approved.
- (D) Monitor groundwater production reports, with mandatory meter checks on all permitted wells in management zone.
- (E) Monitor groundwater production in adjoining GCDs.
- (F) Prepare annual report on groundwater production and rate of aquifer water-level changes.
- (G) Curtailment of groundwater production as average aquifer drawdown amounts reach 90 percent of DFC or it's trending to exceed DFC. The District shall curtail groundwater production under DFC Threshold Level 3 as follows:
- i. All groundwater production set by the District, under (G)(iii), below shall be reduced at the same time.
 - ii. Groundwater production shall be reduced based on a pro rata formula to be determined by the Board by the time the DFC Threshold Level 3 is reached. In promulgating any pro rata formula, the District shall preserve to the greatest extent possible historic uses and non-historic existing uses that were permitted by the District before June 1, 2026.
 - iii. The pro rata DFC curtailment formula will be applied to groundwater production in a different ratio, ~~based on whether the permit is a historic or non-historic production permit. For example, historic permits may be curtailed by X% of production and existing non-historic permits may be curtailed by 2(X)% of production.~~ depending on the category of the permit/ permitted use, as follows:
 - DFC Curtailment Category 1: Historic production permits
In order to preserve historic use, water wells with historic permits will either not be curtailed or curtailed at a lesser pro rata share than all non-historic wells.
 - DFC Curtailment Category 2: Non-historic production permits issued before or on June 1, 2026, for existing uses prior to June 1, 2026
In order to preserve historic and existing use, water wells with non-historic production permits will be curtailed at a greater rate than historic wells, but at a lesser rate than production permits issued after June 1, 2026.
 - DFC Curtailment Category 3: All new use production permits issued

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after June 1, 2026.

In order to preserve historic and existing use, water wells with non-historic production permits issued after June 1, 2026, will be curtailed at a greater rate than historic permits and production permits issued before June 1, 2026.

- iv. Reductions to groundwater production (curtailment) will be based on actual production amounts and will be based on the maximum production from a well or aggregate of wells (under aggregated permits) that has been put to beneficial use in any permitted year.

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- v. Singly permitted wells will be reduced based on the production from the single well. Wells permitted in aggregate will be reduced in aggregate.
- vi. The groundwater production reduction formula may be increased or decreased by the Board, based on the aquifer response to achieve the District's adopted DFCs.
- vii. Groundwater production from registered exempt wells cannot be reduced by the Board, per existing law at the time of the adoption of this rule (January 14, 2016).
- viii. Permitting New Wells after Curtailment. New wells will be permitted pursuant to District Rules, including but not limited to Sections 6 and 7. The permit amount will be immediately reduced by the total amount of curtailments that have already occurred within non-historic permits. Upon completion and equipping of the well, the permit holder has one (1) year to provide evidence of beneficial use, which will then become the basis for the curtailment amount, pursuant to (G)(iv) above.
- ix. If Threshold Level 3 is exceeded, the District shall conduct a public hearing to discuss the status of the aquifer or aquifers and develop a response plan focused on achieving the district's goals and objectives, including not exceeding the DFCs. The response plan should be completed within six (6) months after the first public hearing and should be available to the public through the District's website.
- x. Curtailment under this rule shall be implemented through a permit provision in all District-issued permits. Curtailment to each permit's authorized annual production amount shall occur immediately after DFC Threshold Level 3 is triggered and the Board adopts the pro rata curtailment rate.

Groundwater reductions that result from entering DFC Threshold Level 3 may be reinstated if aquifer levels rise and the average drawdown amount is less than 90% of the adopted DFC.

RULE 8.3. PERMITTING OF NON-EXEMPT WELLS

(k) Monitoring Wells

As of June 1, 2026, any new permit application(s) or permit amendment application(s) to an existing well that is required to submit a hydrogeologic study with its permit application under Rule 8.4(b)(7)(B) shall install one (1) monitor well for every 800 acre-feet/year of permitted groundwater, at permittee's expense. The number of monitoring wells required to be installed and operational may be adjusted by the Board, as determined to be reasonable. The monitoring well(s) shall be equipped with automated pressure transducers that utilize cellular and satellite telemetry to transmit water level measurement data directly to the District. The pressure transducer(s) shall be calibrated for accuracy at least annually, with a calibration verification document submitted to the District.

SECTION 10. TRANSEER OF GROUNDWATER OUT OF THE DISTRICT

RULE 10.1. PERMIT REQUIRED

Groundwater produced from a well within the District may not be transported outside the District's boundaries unless the Board has issued the well owner or operator a transport

permit, except as provided within these Rules.

RULE 10.2. APPLICABILITY

- (a) ~~A person proposing to transport groundwater out of the District must obtain a transport permit, in addition to a drilling/operating permit for a new well, or an operating permit for an existing well, to:~~
- (1) ~~increase, on or after March 2, 1997, the amount of groundwater to be transferred under a continuing arrangement in effect before that date; or~~
 - ~~(2) transfer groundwater out of the District on or after March 2, 1997, under a new arrangement.~~

~~A District-issued transport permit is required for all water that is transported out of the District. A transport permit amendment is required for any changes to the terms of a transport permit, including but not limited to changes in the amount of groundwater to be transported. Any transport of water out of the District that is not authorized by a transport permit violates District Rules and is subject to immediate enforcement under Section 15 of the District's Rules.~~

- (b) The District may not prohibit the export of groundwater if the purchase was in effect on or before June 1, 1997.
- (c) ~~A transport permit for the transportation of water outside the District is not required for the transportation of groundwater that is part of a manufactured product, or the groundwater is to be used on property that straddles the District boundary line, or the groundwater is used within the existing contiguous service area of an existing retail public utility that straddles the District boundary line. Transportation of groundwater, created by the expansion of an existing retail public utility into counties that are not contiguous to the District, will require a transport permit.~~

~~The District shall grant an Existing Transport Permit, without the requirements for application, notice, nor hearing, to a permittee who holds an operating permit in the District prior to June 1, 2026, and transported water out of the District prior to that date without a transport permit under a prior exception, because the property straddles the District boundary or the groundwater is used within the existing contiguous service area of an existing retail public utility that straddles the District boundary line.~~

- (1) ~~The amount of water that is authorized to be transferred out of the District in the Existing Transport Permit shall be based on evidence of the highest amount of annual transport by the permittee in the ten (10) year period from 2015 to 2025.~~
- (2) ~~Export fees may not be charged on water exported under an Existing Transport Permit granted under Rule 10. 2(c)(2).~~
- (3) ~~An Existing Transport Permit, granted under Rule 10. 2(c)(2), may not be transferred to a different permittee, use, nor location of end use. Any such changes require a new transport permit application that fully complies with Section 10.~~

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- (4) An Existing Transport Permit may not be amended to increase the amount of water exported under that permit. Any such changes require a new transport permit application that fully complies with Section 10, and Rule 10. 2(c)(2) does not apply.
- (5) An Existing Transport Permit may only be issued by the District if a permittee who qualifies under Rule 10. 2(c)(2) requests the Existing Transport Permit by February 1, 2027. If the Existing Transport Permit is not requested by that date, then the transporter must fully comply with Section 10 and Rule 10. 2(c)(2) does not apply.

RULE 10.4. HEARING AND PERMIT ISSUANCE

- (d) (4) the installation and reporting of monitoring wells, which shall be equipped with automated pressure transducers that utilize cellular and satellite telemetry to transmit water level measurement data directly to the District. The pressure transducer(s) shall be calibrated for accuracy at least annually, with a calibration verification document submitted to the District. The number of monitoring wells required to be installed and operational may be adjusted by the Board, as determined to be reasonable;
- (g) The Board shall act on all administratively complete transport permit amendment applications. Transport permit amendment applications to increase the amount groundwater to be transported and change the type of use are subject to a public hearing and associated permit notice under Section 14 of the District Rules. The District shall determine if other types of transport permit amendment applications are subject to a public hearing under Section 14, if it would better serve the public interest.

Vernon's Texas Statutes and Codes Annotated

Water Code (Refs & Annos)

Title 2. Water Administration (Refs & Annos)

Subtitle E. Groundwater Management

Chapter 36. Groundwater Conservation Districts (Refs & Annos)

Subchapter D. Powers and Duties

V.T.C.A., Water Code § 36.108

§ 36.108. Joint Planning in Management Area

Effective: September 1, 2025

[Currentness](#)

(a) In this section:

(1) “Development board” means the Texas Water Development Board.

(2) “District representative” means the presiding officer or the presiding officer's designee for any district located wholly or partly in the management area.

(b) If two or more districts are located within the boundaries of the same management area, each district shall forward a copy of that district's new or revised management plan to the other districts in the management area. The boards of the districts shall consider the plans individually and shall compare them to other management plans then in force in the management area.

(c) The district representatives shall meet at least annually to conduct joint planning with the other districts in the management area. The representatives shall review:

(1) the accomplishments of the management area;

(2) proposals to adopt new or amend existing desired future conditions; and

(3) not less than once during each five-year period described by Subsection (d), the management plans of each district in the management area.

(c-1) In reviewing the management plans under Subsection (c), the districts shall consider:

(1) the goals of each management plan and its impact on planning throughout the management area;

- (2) the effectiveness of the measures established by each district's management plan for conserving and protecting groundwater and preventing waste, and the effectiveness of these measures in the management area generally;
 - (3) any other matters that the boards consider relevant to the protection and conservation of groundwater and the prevention of waste in the management area; and
 - (4) the degree to which each district is achieving the desired future conditions established during the joint planning process through the implementation of the district's management plan and rules.
- (d) Not later than May 1, 2021, and every five years thereafter, the districts shall consider groundwater availability models and other data or information for the management area and shall propose for adoption desired future conditions for the relevant aquifers within the management area. Before voting on the proposed desired future conditions of the aquifers under Subsection (d-2), the districts shall consider:
- (1) aquifer uses or conditions within the management area, including conditions that differ substantially from one geographic area to another;
 - (2) the water supply needs and water management strategies included in the state water plan;
 - (3) hydrological conditions, including for each aquifer in the management area the total estimated recoverable storage as provided by the executive administrator, and the average annual recharge, inflows, and discharge;
 - (4) other environmental impacts, including impacts on spring flow and other interactions between groundwater and surface water;
 - (5) the impact on subsidence;
 - (6) socioeconomic impacts reasonably expected to occur;
 - (7) the impact on the interests and rights in private property, including ownership and the rights of management area landowners and their lessees and assigns in groundwater as recognized under [Section 36.002](#);
 - (8) the feasibility of achieving the desired future condition; and
 - (9) any other information relevant to the specific desired future conditions.
- (d-1) After considering and documenting the factors described by Subsection (d) and other relevant scientific and hydrogeological data, the districts may establish different desired future conditions for:

(1) each aquifer, subdivision of an aquifer, or geologic strata located in whole or in part within the boundaries of the management area; or

(2) each geographic area overlying an aquifer in whole or in part or subdivision of an aquifer within the boundaries of the management area.

(d-1a) The district representatives shall:

(1) adopt desired future conditions under this section for each approximately 50-year planning period identified by the executive administrator for the preparation of state and regional water plans; and

(2) identify interim values for the desired future conditions adopted under Subdivision (1) for time periods not to exceed 10 years solely to assist the districts in monitoring interim progress in achieving the desired future conditions adopted for the approximately 50-year planning period.

(d-2) The desired future conditions proposed under Subsection (d) must provide a balance between the highest practicable level of groundwater production and the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control of subsidence in the management area. This subsection does not prohibit the establishment of desired future conditions that provide for the reasonable long-term management of groundwater resources consistent with the management goals under [Section 36.1071\(a\)](#). The desired future conditions proposed under Subsection (d) must be approved by a two-thirds vote of all the district representatives for distribution to the districts in the management area. A period of not less than 90 days for public comments begins on the day the proposed desired future conditions are mailed to the districts. During the public comment period and after posting notice as required by [Section 36.063](#), each district shall hold a public hearing on any proposed desired future conditions relevant to that district. During the public comment period, the district shall make available in its office a copy of the proposed desired future conditions and any supporting materials, such as the documentation of factors considered under Subsection (d) and groundwater availability model run results. After the close of the public comment period, the district shall compile and submit to the district representatives for consideration at the next joint planning meeting:

(1) a summary of relevant comments received;

(2) any suggested revisions to the proposed desired future conditions, and the basis for those revisions; and

(3) any supporting materials, including new or revised groundwater availability model run results.

(d-2a) The information compiled and submitted to the district representatives under Subsection (d-2) must be made available on a generally accessible Internet website maintained on behalf of the management area for not less than 30 days.

(d-3) After each district has submitted to the district representatives the information required under Subsection (d-2) and made the information available for the required period of time under Subsection (d-2a), the district representatives shall reconvene for a joint planning meeting to review the information required under Subsection (d-2), consider any district's suggested revisions to the proposed desired future conditions, receive public comment, and finally adopt the desired future conditions for the

management area. The desired future conditions must be approved by a resolution adopted by a two-thirds vote of all the district representatives not later than January 5, 2022. Subsequent desired future conditions must be proposed and finally adopted by the district representatives before the end of each successive five-year period after that date. The district representatives shall produce a desired future conditions explanatory report for the management area and submit to the development board and each district in the management area proof that notice was posted for the joint planning meeting, a copy of the resolution, and a copy of the explanatory report. The report must:

- (1) identify each desired future condition;
 - (2) provide the policy and technical justifications for each desired future condition;
 - (3) include documentation that the factors under Subsection (d) were considered by the districts and a discussion of how the adopted desired future conditions impact each factor;
 - (4) list other desired future condition options considered, if any, and the reasons why those options were not adopted;
 - (5) discuss reasons why recommendations made by advisory committees and relevant public comments received by the districts during the public comment period or at the joint planning meeting were or were not incorporated into the desired future conditions;
 - (6) include an explanation in plain language of why a desired future condition adopted for an aquifer was changed if the desired future condition is different from the desired future condition adopted for the aquifer over the preceding five-year joint planning period; and
 - (7) include a summary of how each district is performing in achieving the desired future conditions.
- (d-4) After a district receives notification from the Texas Water Development Board that the desired future conditions resolution and explanatory report under Subsection (d-3) are administratively complete, the district shall adopt the applicable desired future conditions in the resolution and report.
- (d-5) Repealed by [Acts 2017, 85th Leg., ch. 471](#) (H.B. 2215), § 3.
- (e) Except as provided by this section, a joint meeting under this section must be held in accordance with Chapter 551, Government Code. Each district shall comply with Chapter 552, Government Code. The district representatives may elect one district to be responsible for providing the notice of a joint meeting that this section would otherwise require of each district in the management area. Notice of a joint meeting must be provided at least 10 days before the date of the meeting by:
- (1) providing notice to the secretary of state;
 - (2) providing notice to the county clerk of each county located wholly or partly in a district that is located wholly or partly in the management area; and

(3) posting notice at a place readily accessible to the public at the district office of each district located wholly or partly in the management area.

(e-1) The secretary of state and the county clerk of each county described by Subsection (e) shall post notice of the meeting in the manner provided by [Section 551.053, Government Code](#).

(e-2) Notice of a joint meeting must include:

(1) the date, time, and location of the meeting;

(2) a summary of any action proposed to be taken;

(3) the name of each district located wholly or partly in the management area; and

(4) the name, telephone number, and address of one or more persons to whom questions, requests for additional information, or comments may be submitted.

(e-3) The failure or refusal of one or more districts to post notice for a joint meeting under Subsection (e)(3) does not invalidate an action taken at the joint meeting.

Credits

Added by [Acts 1995, 74th Leg., ch. 933, § 2, eff. Sept. 1, 1995](#). Amended by [Acts 1997, 75th Leg., ch. 1010, § 4.29, eff. Sept. 1, 1997](#); [Acts 2001, 77th Leg., ch. 519, § 1, eff. Sept. 1, 2001](#); [Acts 2001, 77th Leg., ch. 966, § 2.48, eff. Sept. 1, 2001](#); [Acts 2005, 79th Leg., ch. 970, § 8, eff. Sept. 1, 2005](#); [Acts 2011, 82nd Leg., ch. 17 \(S.B. 727\), § 3, eff. April 29, 2011](#); [Acts 2011, 82nd Leg., ch. 18 \(S.B. 737\), § 3, eff. Sept. 1, 2011](#); [Acts 2011, 82nd Leg., ch. 1233 \(S.B. 660\), § 17, eff. Sept. 1, 2011](#); [Acts 2013, 83rd Leg., ch. 785 \(S.B. 1282\), § 1, eff. Sept. 1, 2013](#); [Acts 2015, 84th Leg., ch. 993 \(H.B. 200\), § 3, eff. Sept. 1, 2015](#); [Acts 2017, 85th Leg., ch. 471 \(H.B. 2215\), §§ 2, 3, eff. June 9, 2017](#); [Acts 2023, 88th Leg., ch. 599 \(H.B. 3278\), § 1, eff. June 11, 2023](#); [Acts 2025, 89th Leg., ch. 578 \(H.B. 2078\), § 2, eff. Sept. 1, 2025](#).

V. T. C. A., Water Code § 36.108, TX WATER § 36.108

Current through the end of the 2025 Regular and Second Called Sessions of the 89th Legislature.

Vernon's Texas Statutes and Codes Annotated

Water Code (Refs & Annos)

Title 2. Water Administration (Refs & Annos)

Subtitle E. Groundwater Management

Chapter 36. Groundwater Conservation Districts (Refs & Annos)

Subchapter D. Powers and Duties

V.T.C.A., Water Code § 36.113

§ 36.113. Permits for Wells; Permit Amendments

Effective: June 20, 2025

[Currentness](#)

(a) Except as provided by [Section 36.117](#), a district shall require a permit for the drilling, equipping, operating, or completing of wells or for substantially altering the size of wells or well pumps. A district may require that a change in the withdrawal or use of groundwater during the term of a permit issued by the district may not be made unless the district has first approved a permit amendment authorizing the change.

(a-1) A district may not require a permit or a permit amendment for maintenance or repair of a well if the maintenance or repair does not increase the production capabilities of the well to more than its authorized or permitted production rate.

(b) A district shall require that an application for a permit or a permit amendment be in writing and sworn to.

(c) A district may require that only the following be included in the permit or permit amendment application, as applicable under the rules of the district:

- (1) the name and mailing address of the applicant and the owner of the land on which the well will be located;
- (2) if the applicant is other than the owner of the property, documentation establishing the applicable authority to construct and operate a well for the proposed use;
- (3) a statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose;
- (4) a water conservation plan or a declaration that the applicant will comply with the district's management plan;
- (5) the location of each well and the estimated rate at which water will be withdrawn;
- (6) a water well closure plan or a declaration that the applicant will comply with well plugging guidelines and report closure to the commission;

(7) a drought contingency plan; and

(8) other information:

(A) included in a rule of the district in effect on the date the application is submitted that specifies what information must be included in an application for a determination of administrative completeness; and

(B) reasonably related to an issue that a district by law is authorized to consider.

(d) This subsection does not apply to the renewal of an operating permit issued under [Section 36.1145](#). Before granting or denying a permit, or a permit amendment issued in accordance with [Section 36.1146](#), the district shall consider whether:

(1) the application conforms to the requirements prescribed by this chapter and is accompanied by the prescribed fees;

(2) the proposed use of water unreasonably affects:

(A) existing groundwater and surface water resources;

(B) existing permit holders; or

(C) wells that are registered with the district and exempt from the requirement to obtain a permit under this chapter or district rules;

(3) the proposed use of water is dedicated to any beneficial use;

(4) the proposed use of water is consistent with the district's approved management plan;

(5) if the well will be located in the Hill Country Priority Groundwater Management Area, the proposed use of water from the well is wholly or partly to provide water to a pond, lake, or reservoir to enhance the appearance of the landscape;

(6) the applicant has agreed to avoid waste and achieve water conservation; and

(7) the applicant has agreed that reasonable diligence will be used to protect groundwater quality and that the applicant will follow well plugging guidelines at the time of well closure.

(e) The district may impose more restrictive permit conditions on new permit applications and permit amendment applications to increase use by historic users if the limitations:

(1) apply to all subsequent new permit applications and permit amendment applications to increase use by historic users, regardless of type or location of use;

(2) bear a reasonable relationship to the existing district management plan; and

(3) are reasonably necessary to protect existing use.

(f) This subsection does not apply to the renewal of an operating permit issued under [Section 36.1145](#). Permits, and permit amendments issued in accordance with [Section 36.1146](#), may be issued subject to the rules promulgated by the district and subject to terms and provisions with reference to the drilling, equipping, completion, alteration, or operation of, or production of groundwater from, wells or pumps that may be necessary to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or the reduction of artesian pressure, lessen interference between wells, or control and prevent subsidence.

(g) Deleted by [Acts 2005, 79th Leg., ch. 970, § 10](#).

(h) In issuing a permit for an existing or historic use, a district may not discriminate between land that is irrigated for production and land or wells on land that was irrigated for production and enrolled or participating in a federal conservation program.

(i) A permitting decision by a district is void if:

(1) the district makes its decision in violation of Subsection (h); and

(2) the district would have reached a different decision if the district had treated land or wells on land that was irrigated for production and enrolled or participating in a federal conservation program the same as land irrigated for production.

Credits

Added by [Acts 1995, 74th Leg., ch. 933, § 2, eff. Sept. 1, 1995](#). Amended by [Acts 1997, 75th Leg., ch. 1010, § 4.30, eff. Sept. 1, 1997](#); [Acts 2001, 77th Leg., ch. 966, § 2.49, eff. Sept. 1, 2001](#); [Acts 2005, 79th Leg., ch. 970, § 10, eff. Sept. 1, 2005](#); [Acts 2005, 79th Leg., ch. 1116, § 4, eff. Sept. 1, 2005](#); [Acts 2007, 80th Leg., ch. 1430, § 2.21, eff. Sept. 1, 2007](#); [Acts 2011, 82nd Leg., ch. 17 \(S.B. 727\), § 4, eff. April 29, 2011](#); [Acts 2015, 84th Leg., ch. 308 \(S.B. 854\), § 2, eff. Sept. 1, 2015](#); [Acts 2017, 85th Leg., ch. 1119 \(S.B. 1009\), § 1, eff. Sept. 1, 2017](#); [Acts 2025, 89th Leg., ch. 566 \(H.B. 1633\), § 1, eff. June 20, 2025](#).

[Notes of Decisions \(7\)](#)

V. T. C. A., Water Code § 36.113, TX WATER § 36.113

Current through the end of the 2025 Regular and Second Called Sessions of the 89th Legislature.